

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

RENE SOLIS,	§	
Plaintiff,	§	
	§	
v.	§	No. 3:20-cv-00765-E (BT)
	§	
J. BARBER, et al.	§	
	§	
Defendants.	§	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge issued findings, conclusions, and a recommendation (“FCR”) in relation to Defendant D.S.O. J. Barber’s (“Defendant”) *Rule 12 Motion to Dismiss Plaintiff’s Claims in Plaintiff’s 1st Amended Complaint. Alternative Motion to Strike, and Brief in Support*. ECF No. 34. No objections were filed, and the Court reviewed the FCR for clear error. After considering the FCR, the Court determines that the FCR is correct and accepted by the Court, **except**<sup>1</sup> for the following: on page one, line nine, “her” should be replaced with “Solis’s”; on page two, line two, “her” should be replaced with “Solis”; on page four, line four, “her” should be replaced with “Solis’s”; on page six, footnote one, line seven, “her” should be replaced with “Solis’s”; on page eight, line two of paragraph two, “her” should be replaced with “Solis’s”; on page eight, line eight of paragraph two, “she” should be replaced with “Solis”; and on page eight, line eight of paragraph two, “her” should be replaced with “Solis’s.”

Accordingly, **IT IS ORDERED** that:

---

<sup>1</sup> Solis’s records and filings in this Court are inconsistent with regard to Solis’s gender. For that reason and for clarity, the Court prefers to use non-gendered terms to refer to Solis.

1. Plaintiff Rene Solis's unsigned First Amended Complaint (ECF No. 21) is hereby **STRICKEN** from the record;
2. Solis must file a signed Second Amended Complaint within **21 days** of this order, or the Court will dismiss Solis's claims and close this case;
3. The Clerk of Court is hereby instructed to mail Solis a blank copy of the Court's standard 42 U.S.C. § 1983 complaint form marked "Second Amended Complaint" and bearing the civil action number of this case. Solis is advised that the opportunity to amend is so that Solis can sign Solis's complaint in accordance with Federal Rule of Civil Procedure 11(a); it is not for the purpose of adding new claims or defendants. Solis is also advised that an amended complaint supersedes the original and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading; and
4. The defendant's *Rule 12(b)(6) Motion to Dismiss Plaintiff's Claims in Plaintiff's 1st Amended Complaint, Alternative Motion to Strike* is **DENIED** to the extent it seeks dismissal of Solis's claims pursuant to Federal Rule of Civil Procedure 12(b)(6).

**SO ORDERED**; signed March 15, 2023.



Ada Brown

UNITED STATES DISTRICT JUDGE